

AFFIDAVIT OF LWIZA WAMALA

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2009 SEP -9 A 9:48

1. My Name is Lwiza Wamala.
2. I was born in Uganda and I am 21 years old.
3. My address is 20 Marshall Terrace, Lowell MA 01854.
4. I have two sisters; namely Theresa Wamala who is 26 years old and Jessica Wamala who is 18 years old.
5. I have two brothers; namely Jacob Wamala who is 19 years old and Yowana Wamala who is 14 years old.
6. About 8:00pm on 9/11/2006, there was an incident at our apartment, 6 Danforth Road, apartment #22, that involved me, Jessica and my father.
7. I was holding a large pot of 'Matooke' with boiling water which I needed to drain at the sink. My father and I were in the kitchen preparing dinner.
8. Jessica was at the sink washing dishes.
9. I asked Jessica to move but she did not move out of the way.
10. My father pushed Jessica out of the way to prevent her from getting burnt by the boiling water I was going to drain at the sink.
11. Jacob was upset because Dad pushed Jessica, so Jacob called Police.
12. Two Police Officers came to the apartment, asked what exactly happened as they interviewed me, Jacob, Jessica and Dad separately.
13. After interviewing each one separately, the Officers determined that no law was broken, and the Officers told Dad that "the law allows you to discipline your children as long as you don't hurt them." The Officers asked if everyone was safe and each one (me, Jessica, Jacob, Dad) confirmed that we were safe.
14. At about 9:30pm the Police Officers left our apartment. After the Police Officers left, Dad was a bit upset with Jacob because Jacob had called the Police.
15. My father approached Jacob and told him "if you are going to call police when I discipline my children, you should leave and start your own home." Jacob replied, "I will leave." Jessica said at a distance, "I will leave with Jacob."
16. At about 9:45pm, my father told Jacob and Jessica to go to bed.
17. Jacob and Jessica went to the bathroom together to get ready for bed. They stayed in the bathroom for a while talking and laughing.
18. At about 10:00pm Jacob and Jessica left the bathroom and went to the bedroom. They shared the same bedroom.

19. While Jacob and Jessica were in their bedroom, I could hear them talking and moving stuff. This went on for about an hour.
20. At about 11:20pm Jacob and Jessica stormed out of the bedroom and tried to get out of the apartment. About an hour earlier my sister Theresa had come back from work.
21. My father tried to stop both of them, however Jacob escaped but Dad was able to stop Jessica from leaving.
22. Jessica became very agitated and wanted to jump out the balcony of our third floor apartment.
23. My father stopped Jessica. My father told Theresa and I to stand by the balcony door to prevent Jessica from jumping off the balcony.
24. Jessica got out of control. She grabbed the sharpest knife from the kitchen and pointed it towards Dad. Jessica said, "I will kill you."
25. My father told Theresa to call Police. Theresa right away called the Police.
26. At about 11:30pm again two Police Officers responded. Dad explained the situation to the officers how Jessica was out of control. The lady officer named Lisa Nadworny suggested to Dad that Jessica should go and sleep somewhere else for that night to let things calm down. Dad suggested that Jessica should go and spend the night at Pamela Wamala's place. Pamela and Dad were married but separated at that time. Dad, Jessica and Officer Nadworny agreed to the sleeping arrangement and Dad called Pamela to come and pick up Jessica. The plan was for Jessica to sleep at Pamela's place for the night and then Pamela will return Jessica to Dad's place the following day. While Pamela was enroute Jessica told Officer Nadworny Dad had 'raped' her.
27. About 11:50pm Pamela arrived but was told by Officer Nadworny that there had been rape allegations that need to be investigated. Officer Nadworny asked Pamela if she had ever heard any rape allegations in our family before today. Pamela said no. Lisa Nadworny asked Pamela if she had ever seen Dad being inappropriate with his daughters again Pamela said no. Officer Nadworny told Pamela that "I have to call my Supervisor and see what to do next." Officer Nadworny called the Supervisor and after talking to the Supervisor, Officer Nadworny told Pamela to go back because the Supervisor had advised that Jacob and Jessica should be taken to Nashua Police Station to further the investigation. Officer Nadworny transported Jacob and Jessica to Nashua Police Station.
28. A few minutes later, two officers came and asked me to go to Nashua Police Station. I asked the Officers if I could go with my older sister Theresa to the Police Station. The Officer answered 'no' and he said, 'it's gonna take like two minutes and you will be right back.' I asked the Officer if I could change into a more comfortable clothing, put on sweatpants, the Office said 'don't worry it is going to take a few minutes and you will be back here quickly.'
29. I was afraid to go to the Police Station. I had lived in this country for just seven weeks. At any rate, the officers took me without Theresa to Nashua Police Station.

30. When I arrived at Nashua Police Station, I was put in a small room and I was left there for about two hours.
31. At about 2:00am an individual came in and introduced himself as 'Detective Bergeron.'
32. Det. Bergeron asked me why I think I was brought to Nashua Police Station. I told him, that Jessica had accused Dad of rape, and the Police is trying to find out if it is true or not.
33. Det. Bergeron asked me if my father had ever been inappropriate to me. I told him no.
34. Det. Bergeron asked me if I had ever had sex with Dad. I told him never.
35. Det. Bergeron asked me if my father had ever touched my breasts. I told him no.
36. Det. Bergeron told me that my sister said that my father had been inappropriate with her. I told him, I don't believe that. Det. Bergeron then asked me why I don't believe her, I told him that my father is not like that, he would not do that.
37. I asked Det. Bergeron which sister is saying so. Det. Bergeron responded it is Jessica.
38. I told Det. Bergeron that Jessica and Jacob are "pigheaded. They'll do anything to get their way."
39. Det. Bergeron asked me again about Jessica's allegations. I assured him that "Jessica must be lying. It cannot be true. My father cannot do anything like that."
40. Det. Bergeron's question was calm and respectful. After question, I asked Det. Bergeron if I could go back home, he told me that it was not up to him when I am going to leave. Det. Bergeron then left the room, about 3:00am.
41. I was again left in the room for another 3 hours.
42. At about 6:00am Det. Bergeron returned and asked me similar questions as before. I gave him similar answers, repeating myself that I have never had sex with Dad and that my father has never been inappropriate to me in anyway. I again asked Det. Bergeron if I could leave and go back home. Det. Bergeron told me that hang on a few more minutes, that I will be going home soon. He then left the room.
43. At about 6:50 Det. Bergeron returned to the room and he told me that his Supervisors have advised him to record my interview with him. He then started recording. See A.23-A.24.
44. During the recording, there was Brenda Gibson in the room. Det. Bergeron asked me again the same questions he had previously asked, and again, I told him that I have not had sex with Dad. Det. Bergeron asked me specific questions like "have you ever seen your father naked?" I answered "I haven't seen him naked." Id. Det. Bergeron also asked "has there been any [inappropriate] touching going on between two [my Dad and I] of you?". My answer was "NO". Det. Bergeron again asked, "has there ever

been any type of sexual activity whatsoever?" My answer was "NO." Again Det. Bergeron asked what I thought about Jessica accusing my father of rape. I told detective Bergeron in plain terms what I thought, with the answer, "I think it's ridiculous." See A.24.

45. At about 7:10am Det. Bergeron ended the recorded interview. I again asked him if I could leave because I still wanted to go to school even though I had been kept at Nashua Police Station for the entire night. In a very calm voice (with sympathy in his voice I could tell), Det. Bergeron said, "if it was up to me, I would let you go but I have been told by my Supervisors that there is another detective who wants to talk to you before you go home." Det. Bergeron left the room and that was the last time I saw him.
46. At this point in time I had been at Nashua Police Station for over 7 hours, with no sleep and with no food. I was sleepy, exhausted and hungry. I just wanted to leave Nashua Police Station. I wondered what I needed to do to get out of Nashua Police Station. While I was mulling over what to do, two individuals came in and introduced themselves. One was Detective Lehto and the other was Detective Page.
47. Det. Lehto started asking me similar questions Det. Bergeron had already asked. I told Det. Lehto that Det. Bergeron already asked those questions and even recorded the answers. The Det. Lehto said, "don't get smart with me just answer the questions."
48. I told Det. Lehto that I have never had sex with my Dad, I have been telling the same thing to Det. Bergeron, I don't know what else you want me to say.
49. Det. Lehto said, so you are sticking with your story. I told Det. Lehto that it is not a story, it is the truth. Then, I asked Det. Lehto if I could leave the Station, he replied, "not yet." Then I begged Det. Lehto to allow me leave the Station so that I could go to school, I even promised him that when school is over I will come back if he wanted me to. Det. Lehto said no. I then begged him if I could use the bathroom. I told him that I really needed to use the bathroom. Det. Lehto said, someone will come and bring you to the bathroom, he then left the room.
50. Later Det. Lehto came back, and lied to me that my Dad had told him that we had sex. I told Det. Lehto that "you are out of your mind. My Dad cannot say that because it is not true."
51. The Det. Lehto to went to Dad and lied to him too that I had told Det. Lehto that we had sex. See Court Transcripts of 7/3/2007 (A.28-30 attached)
52. When Det. Lehto came back, I asked him right away if I could use the bathroom because I was really uncomfortable. Det. Lehto told me that you have to wait. Det. Lehto again asked, are sure you have not had sex with your Dad. I told him "I'm sure." He then asked, you don't even suspect your Dad could have had sex with Jessica and may be you just dont know about. I told Det. Lehto that "don't believe that nonsense." Det. Lehto left the room without allowing me to go to the bathroom.
53. A number of different men came to the room at different times. Some were wearing police uniforms others were not. They kept saying every time

they came in that, "You're lying." "You're lying."

54. Det. Lehto kept coming back to the room. Det. Lehto asked me "how long have you been in this country. I told him "seven weeks. I arrived on 7/20/2006." Det. Lehto then asked me, "you don't want to be deported, do you?" I told him "no. Of course I don't want to be deported." Det. Lehto started leaving the room, I again asked him if I could use the bathroom, he replied "nope" and he slammed the door behind him.
55. After about two hours of dealing with Det. Lehto back and forth, he again returned to the room and his mood had changed. He started screaming at me saying, "I know you had sex with your father, tell the truth." He was screaming, "tell me the truth your father did it." I told Detective Lehto "I know my father has never done those things you are accusing him of."
56. Det. Lehto leaned closer to my face, I tried to move back, he kept bringing his face closer and he was screaming, "Tell me, tell me." I started shaking and crying. I needed to use the bathroom real bad, I again asked Det. Lehto if I could use the bathroom. Instead Det. Lehto screamed the more "If you don't tell me that you had sex with your father I am going to to deport you back to Uganda."
57. I told Det. Lehto that I could not hold it any longer, I needed to use the bathroom. Det. Lehto said, "you are not going to use the bathroom until you tell me you had sex with your father."
58. Det. Lehto told me he was going to tell one of his officers to start paperwork for my deportation, he then left the room.
59. I was just in tears. I didn't know what to do.
60. After a few minutes, Det. Lehto returned and this time in a soft voice, "Det. Lehto said, "this is your last chance to stay in this country, someone has started paperwork, if you tell me that you had sex with your father you will be allowed to stay." He then added, "someone is ready to take you to the airport right now."
61. At this moment, I convinced myself that I have to say whatever Det. Lehto wants me to say. I was scared of being deported, I was hungry, I had not slept the whole night and I was very uncomfortable I wanted to use the bathroom badly and I had been at the police station close to 10 hours. I told Det. Lehto, "I had sex with my dad, happy now?" I was so disgusted.
62. Det. Lehto said, "good but not enough." Det. Lehto went on to say, that it is was unexpected sex, that it was six times, he also said that I needed to say the parts involved in sexual intercourse, "vagina and penis" He also said that I should say that it is a Ugandan custom [To be clear it is not a Ugandan custom for daughters to have sex with their fathers, Det. Lehto just made that up]. Det. Lehto told me that he was going to record that statement. He also told me that he was going to take my DNA samples after recording the statement. I asked Det. Lehto if I had a choice because I did not want my DNA samples to be taken. Det. Lehto responded by saying that "I need your DNA, I will give you a paper to sign and just sign it." He then left the room.
63. The two hours Det. Lehto and his buddies coincide with his under oath testimony of 7/2/2007 (A.28 attached).

64. At about 11:00am, eleven hours of being detained at the police station, Det. Lehto recorded the coerced false statement. See A.42 attached. Det. Lehto made sure there was a female called Marleny during the reording, she was not in the room when I was tortured before the recording.
65. After the recording Det. Lehto left the room but he returned a few minutes because he wanted me to put more things on the recording. He actually he actually said them himself I just gave him "Yes" answer which he had told me earlier to say. The time was 11.27am. See A.43 attached.
66. After recording the two statements, I asked Det. Lehto if finally I could use the bathroom, he told me that he needed to first collect DNA samples first. He gave me a paper to sign and pointed at the line and said, "sign here." I remembered that he had said I did not have a choice so I signed. Det. Lehto collected the DNA samples at 11:40am almost twelve hours of I had been detained at Nashua Police Station. A.25.
67. After collecting the DNA samples I was finally escorted to the bathroom.
68. After this terrible experience, I believed that I was going to be released. I asked Det. Lehto if I could go home, he just took me to another room and left me there. I stayed at the police station an additional 9 hours after I had been at the police for 12 hours which made my detention 21 straight hours at Nashua Police Station. I was escorted out of the police station at 9pm together with my sister Theresa. I was extremely hungry no one gave me food at the police station and I was extremely tired and sleepy because I had not slept in a period of over 40 hours.
69. The traumatic experience I suffered at Nashua Police Station made me very sick I just shut down. I stayed in bed for three straight weeks. I called my Mother in Uganda and told her that if the experience I faced at Nashua Police is what America is, I wanted to go back to Uganda.
70. I cried alot and I still do cry everytime I get the flashbacks of that terrible experience. I dropped out of school I could not concentrate.
71. I have never been able to catch up in school. I do take part-time courses and I am not sure I will ever be able to finish a bachelor's degree. The traumatic experience at Nashua Police Station upset my life for ever.
72. Everytime I see a police officers or government officials, I am reminded of the 21-hour imprisonment, torture experience, the uncomfot of not being able to use a bathroom for hours and hours. It is just a painful living experience that is constant.
73. It is so sad that I have to live in fear. Police officers are supposed to be peace keepers but instead when I see any of them, the traumatic experience embedded in my brain equates police officials to villain, vindictive, evil people who can even force a daughter to say that she had sex with her father. It is very revolting.
74. Det. Lehto provided the two false statemets he recorded to Scott Howe.
75. Det. Lehto and Howe distributed the false statements to the media and public, and also frequently pop up on the internet.
76. Det. Lehto and Howe distributed the false statement to the Hillsborough

County Prosecutor's Office which resulted in criminal proceedings of State v. Wamala. See A.1 attached

77. At trial the false statements were used to impeach the truthful testimony.
78. The false statements have been frequently repeated in Court and widely circulated in the media which prompted a GAG ORDER MOTION. See A.17 - 18.
79. My father was charged with crimes he did not commit simply because Det. Lehto used his authority to make false statements which made his dream case of "Dr. Wamala charged with raping three women" something my father has never done. Det. Lehto forced me to be a rape victim which I am not. But now I am a victim of police abusive power.
80. My name is damaged being associated with incest, something I have never I have never done. Those statements invoke constant pain.

I, LWIZA WAMALA being first duly sworn upon, oath, presents that the information contained in this AFFIDAVIT is true and correct to the best of my knowledge.

Signed

Lwiza Wamala
Lwiza Wamala

Dated 8th day of September 2009

NOTARY PUBLIC

Subscribed and sworn before me this 8 day of September 2009.

Notary Public

[Signature]

My Commission expires on 4.12.2013



DIONNE SMITH
Notary Public
Commonwealth of Massachusetts
My Commission Expires 4-12-2013